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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,013	03/30/2001	Satoshi Semba	1075.1159	8513

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EXAMINER	
BURLESON, MICHAEL L	
ART UNIT	**PAPER NUMBER**
2626	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/821,013	SEMBA ET AL.	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *17-28* is/are allowed.

6)☒ Claim(s) *29 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see (page 6 and page 7,paragraphs 1 and 2), filed March 28, 2005, with respect to claims 17-28 have been fully considered and are persuasive. The rejection of claims 17-28 has been withdrawn.

2. Applicant's arguments filed March 28, 2005, with regard to new claims 29 and 30, have been fully considered but they are not persuasive.

3. Applicant teaches that new claims 29 and 30 include "designating an object color of an input color image and assigning a stored optimum color corresponding to the object color", "converting the input color image in accordance with a differential value of lightness obtained between the designated object color and the assigned optimum color" and that the differential value is "adjustably maintained within a predetermined maximum conversion value". Applicant feels that these features are patentable over Kubo et al. Examiner disagrees with Applicant. Kubo et al. teaches of a characteristic color region extracting means (231), which extracts from RGB data the characteristic color regions attracting the user's attention the most (column 8, lines 22-26). This characteristic color region can be easily read as an object color, which is constituted by memory colors such as skin colors (column 8,lines 26-28), which is stored in output image predicting means (233). He also teaches of a lightness deviation computing means (241) that computes deviations in lightness based on predicted data, that is

based on characteristic colors and defined L*a*b* data (column 8,lines 49-55), which can easily be read as an object color and an optimum color.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubo et al. US 6014457.

6. Regarding claim 29, Kubo et al. teaches of an image input apparatus (100) that receives color images and may read the image data and convert it into RGB data (column 6,lines 7-11 and 13-20). Kubo et al. teaches of a characteristic color region extracting means (231), which extracts from RGB data the characteristic color regions attracting the user's attention the most and is stored in output image predicting means (233) (column 8, lines 22-48). This reads on designating an object color of an input color image and assigning a stored optimum color corresponding to object color. Kubo et al. teaches of a lightness deviation computing means (241) that computes deviations in lightness based on predicted data based on characteristic colors and defined L*a*b*

data (column 8,lines 49-55), which is adjusted using the parameter changing means (236) if the values fails to meet predetermined converging conditions (column 9,lines 44-60). This reads on converting the input color image in accordance with a differential value of lightness obtained between the designated object color and the assigned optimum color, wherein the differential value is adjustably maintained within a predetermined maximum conversion value.

7. Regarding claim 30, Kubo et al. teaches of an image input apparatus (100) that receives color images and may read the image data and convert it into RGB data (column 6,lines 7-11 and 13-20). Kubo et al. teaches of a characteristic color region extracting means (231), which extracts from RGB data the characteristic color regions attracting the user's attention the most (column 8, lines 22-26). This reads on a means for designating an object color of an input color image and assigning a stored optimum color corresponding to object color. Kubo et al. teaches of a lightness deviation computing means (241) that computes deviations in lightness based on predicted data based on characteristic colors and defined L*a*b* data (column 8,lines 49-55), which is adjusted using the parameter changing means (236) if the values fails to meet predetermined converging conditions (column 9,lines 44-60). This reads on a means for converting the input color image in accordance with a differential value of lightness obtained between the designated object color and the assigned optimum color, wherein the differential value is adjustably maintained within a predetermined maximum conversion value.

Allowable Subject Matter

8. Claims 17-28 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: Claims 17,21 and 25 of the current application teaches similar subject matter as the prior art of Kubo et al. (US 6014457). However, claims 17,21 and 25 are allowed for the reasons pointed out by Applicant's remarks (page 6 and page 7,paragraphs 1 and 2).

10. It follows that dependent claims 18-20,22-24 and 26-28 are inherently allowable for depending on an allowable base claim.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

KAWilliams

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
June 24, 2005